

**PLANNING AND ZONING COMMISSION
APRIL 14, 2010
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Marisela Marin
Luann Caudle
Jose G. Vela
Mario Garza
Carlos Lopez

P&Z ABSENT

Rene Flores

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Irasema Dimas

GUESTS PRESENT

Trinidad Ponce
Maria P. Garza
Annette Zavala
Maria Manzo

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR MARCH 24, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections. Mrs. Caudle moved to approve the minutes of March 23, 2010, as presented. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:02 p.m.

Item# 1.1

Rezoning:

Lot 1, Renell Subdivision

AO-I to C-1

Jaime De La Garza

(Centro Familiar Cristiano " El Buen Pastor")

Mr. Salinas stated that no action was needed for this item since it was going to be seen at the next meeting.

Started: 5:03 p.m.

Ended: 5:16 p.m.

Item# 1.2

Conditional Use Permit:

**Home Occupation –'Sale of Snacks
& Sodas'**

2604 E. 4th Street

Mrs. Marin responded that it was allowed as long as they applied for a conditional use permit and complies with all the requirements.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Ponce stated that all the people from the neighborhood were in favor of her having the store and that she has always tried to obtain the permits but it has always been denied.

Mrs. Marin asked if Mrs. Ponce had been informed of the reasons why she was denied before.

Mr. Salinas replied that staff had been talking to her son Mr. Raul Ponce prior to the meeting and he was informed about the reasons why she was denied in the past. He also stated that he ignored if Mr. Ponce informed his mom of those reasons, but he would inform Mrs. Ponce about the outcome of this meeting.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to deny the conditional use permit as recommended by staff. Mrs. Marin seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:16 p.m.

Ended: 5:18 p.m.

Item # 1.3

Conditional Use Permit:

**Drive-Thru Service (Sliding Door)
Lots 5 & 6, Big Orange Subdivision
C-3
Life of Use
Robert Guzman (City Cleaners)**

Mr. Salinas briefed over the write-up stating that the site is located on the NE corner of Citrus and Griffin Parkway. This existing drive-thru service sliding door was approved by P&Z back in June 23, 2004 for Comet Cleaners. Since the business is changing to a new operator a CUP is required.

Access to the 900 sq.ft. suite is provided off of Citrus Lane. The existing drive-thru lane measures 12.5' in width and allows for customers to exit back onto Citrus Lane or to head east and exit out onto Griffin Parkway. The location of the sliding door provides stacking for two vehicles. The number of parking spaces required for a retail space of this size is 5. It is noted that the parking area is held in common (32 existing parking spaces) and is shared with other businesses. No parking or traffic maneuverability issues were raised with the previous cleaners.

- Days/Hours of operation: Monday through Friday 7 a.m. to 7 p.m.
Saturday 8 a.m. to 3 p.m.
- Staff: 1 employee
- There is an existing opaque buffer along the north side of the property and around the trash bins, however there are no doors to screen the trash bins from the street.
- Additional landscaping will be required along Griffin Parkway and Citrus Lane for aesthetics and to buffer the drive-thru lane.
- A speed bump will be required along the drive-thru lane to ensure pedestrian safety.
- A business license is required prior to occupancy.

Since the previous cleaners utilized the drive-thru service with no incidents, staff has no objection to the proposal subject to: **1)** acquiring a business license, **2)** providing additional landscaping, **3)** providing a screen along the front of the trash bins, and **4)** providing a speed bump to ensure pedestrian safety.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response

There being no discussion, Chairman Sheats entertained a motion. Mr. Vela moved to approve the conditional use permit as recommended by staff. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:21 p.m.

Item # 1.4

Conditional Use Permit:

Home Occupation – Registered

Home Daycare

1909 Victoria

Lot 102, Glasscock South Subdivision

R-1

Life of Use

Annette Zavala

Mr. Salinas briefed over the write-up stating that the subject site is located at the NW area of Carlotta and Victoria Street. The site has frontage to a public street where the street width is 30' B-B. There is 1 fire hydrant approximately 250' to the west. The home has a two-car driveway capable of accommodating the safe drop off and pick up of children. There is a 6' wood fence along the rear and west side of the property, however there is no fence provided along the east side of the property. A 6' opaque buffer will be required in order to maximize protection, muffle noise, and obstruct visibility. The kitchen, dining room and living room are the areas to be utilized for childcare.

- Days/Hours of operation: Monday-Friday: 7 a.m. to 5:30 p.m.
Saturday: 7 a.m. to 1 p.m.
- Staff: Applicant and 1 other employee that does not live at the home, thus in compliance to code.
- Must obtain DHS certification, which will assign the maximum number of children to be cared for.
- Any signage would have to be a max. of 1' x 1'.
- Must comply with Sec. 1.56-1, Zoning Code (home occupations regs.)

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** must obtain DHS Certification, **3)** install a 6' wooden fence along the east side of the home prior to business license issuance, **4)** comply with Sect. 1.56-1 of the Zoning Ordinance, and **5)** acquiring a business license.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Annette Zavala was present to answer any questions.

Chairman Sheats asked if she was willing to comply with the requirements.

Mrs. Zavala replied that she would comply with the requirements.

Mrs. Marin asked if there was a Home Owners Association for the subdivision.

Mrs. Zavala replied that there was none.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as per staff's

recommendations. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:21 p.m.

Ended: 5:26 p.m.

Item # 2.0

Discussion and Action to Consider Amending Section 1.371-3(h), Zoning Ordinance # 1128 to Include Additional Non-residential Facilities

Mr. Zavala briefed over the write-up stating that under the SF Residential (R-1) zoning district, the current language exists under the above section:

Parking facilities for nonresidential uses.

What the above section entails is that on R-1 zoned property, only 'nonresidential parking facilities' could be considered on an adjoining R-1 lot to a commercially used complex.

The real scenario is that there is an assisted living center zoned C-3 and where the business owner has an adjoining & vacant R-1 lot where the owner desires to provide internal walkways within a massive garden area with a gazebo nestled within the landscaped areas so that the elderly (with their family members or staffers) could more fully enjoy a part of their latter years in an outdoor serene environment.

If the code is amended to allow such other facilities as 'walkways & a gazebo', a public hearing would still be mandated of course to encourage the surrounding property owners to post their input and thoughts, e.g., buffering, additional landscaping on the 'residential side', etc.

Since the public hearing process would still assure that the neighborhood's input would be solicited, staff does not object to the following amendment:

Parking facilities for nonresidential uses; **also other nonresidential facilities such as internal sidewalks, benches, and gazebos.**

Chairman Sheats asked if there was any input from the Board Members in regards to the request. There was none.

There being no discussion, Chairman Sheats entertained a motion. Mr. Lopez moved to approve the amendment as per staff's recommendation. Mrs. Marin seconded the motion. Upon a vote the motion passed unanimously.

3.0 OTHER BUSINESS

There was no other business.

4.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mr. Lopez seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:26 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission